ORDINANCE NO. 2001 - 070

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR **01-102 RES 2 (LINTON/TURNPIKE)**, MODIFYING PAGE 102 OF THE FLUA BY CHANGING AN APPROXIMATELY 64.19 ACRE PARCEL OF LAND, GENERALLY LOCATED ON THE EAST SIDE OF THE RONALD REAGAN TURNPIKE, NORTH AND SOUTH OF THE FUTURE EXTENSION OF LINTON BOULEVARD, FROM UTILITIES AND TRANSPORTATION (U/T) TO LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 5, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 2, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 5, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 102 is amended as follows:

Application No.:	**Linton/Turnpike (01-102 RES 2)**
Amendment:	From Utilities and Transportation (U/T) to Low Residential, 3 units per acre (LR-3);
General Location:	East side of the Ronald Reagan Turnpike, north and south of the future extension of Linton Boulevard;
Size:	Approximately 64.19 acres;

B. Conditions: This parcel is subject to the following conditions:

1. Access to the site shall be limited to Linton Boulevard;
2. The site shall be limited to a maximum of 2.15 units per acre.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status,

a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 5 day of December, 2001.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: _____ Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Warren H. Newell, Chairman

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 14th day of December, 2001.

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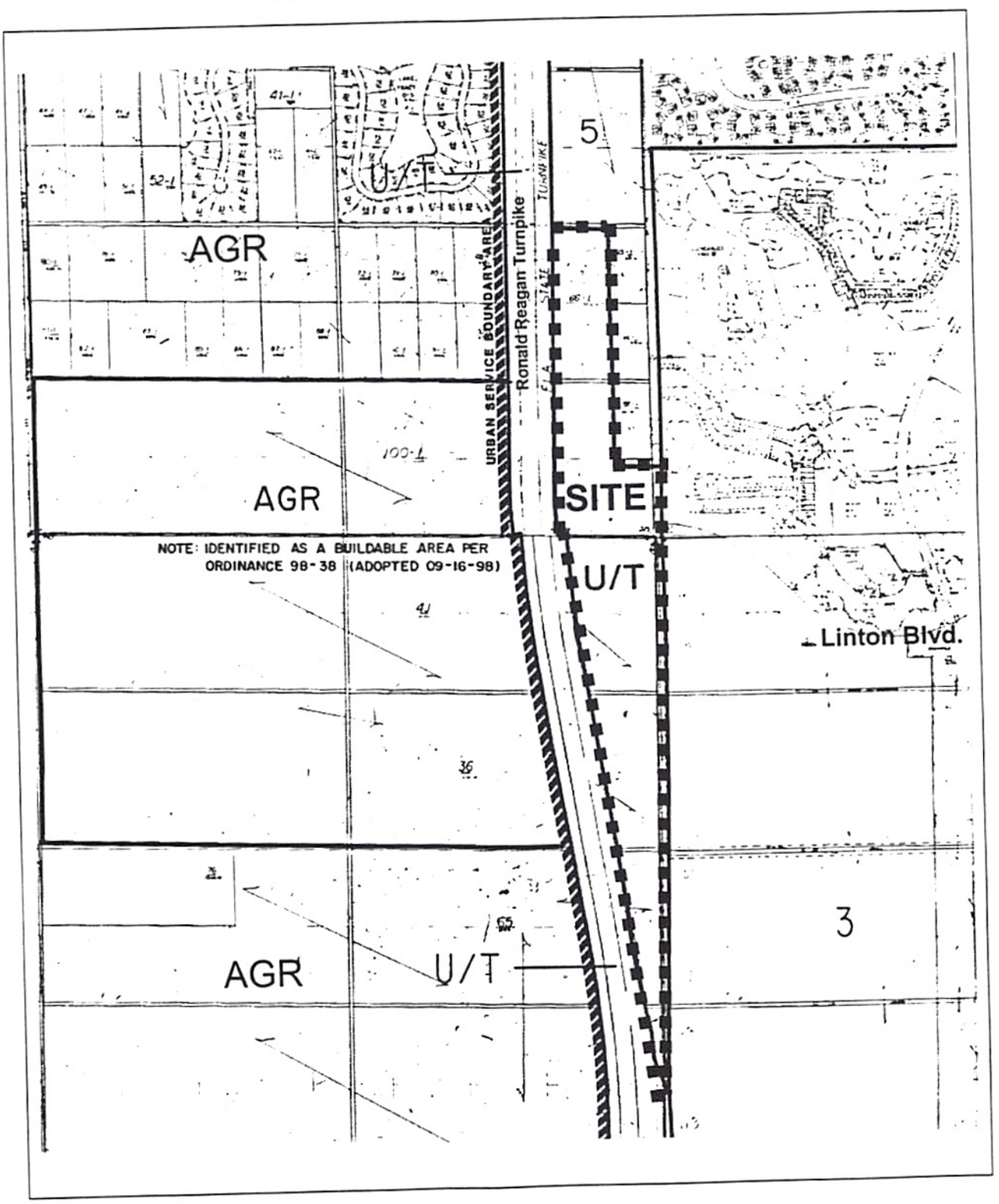
EXHIBIT 1

Future Land Use Atlas page 102 is amended as follows:

Amendment No.:	**Linton/Turnpike (01 - 102 RES 2)**
Amendment:	From Utilities and Transportation (U/T) to Low Residential, 3units per acre (LR-3).
Location:	East side of the Ronald Reagan Turnpike, north and south of the future extension of Linton Boulevard.
Size:	Approximately 64.19 acres
Property No.:	00-42-46-20-01-000-0660 & 00-42-46-29-01-000-0010
Legal Description:	See attached
Conditions:	• Access to the site shall be limited to Linton Boulevard. • The site shall be limited to a maximum of 2.15 units per acre.



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LEGAL DESCRIPTION:

A PIECE OR PARCEL OF LAND SITUATED LYING AND BEING IN SECTIONS 20 AND 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PROPERTY ALSO BEING TRACTS 66, 95, 98, 127, AND 128, AND ALSO A PART OF TRACTS 67, 94, 99, AND 126, SECTION 20; AND TRACTS 1, 2, 32, 33 AND 64, AND PARTS OF TRACTS 3, 31, 34, 63, 65, 96 AND 97, SECTION 29, OF A PLAT OF SUBDIVISION ENTITLED "THE PALM BEACH FARMS CO PLAT NO. 1," AS RECORDED AMONG THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, AT PAGE 27, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT FOUND, SAID MONUMENT LYING AT THE NORTHERLY MOST CORNER OF LINTON BOULEVARD, TRACT L, AS DELINEATED ON A PLAT OF SUBDIVISION ENTITLED " ADDISON RESERVE PLAT THREE", RECORDED AMONG THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 78, AT PAGE 8, AND RUNNING THENCE WITH THE WESTERLY LINE OF SAID TRACT L SOUTH 01 WEST, 55.03 FEET TO THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE RUNNING WITH THE EASTERLY LINE OF SAID SECTION 53'08" EAST, A DISTANCE OF 40.92 FEET TO A POINT; THENCE SOUTH 89 29, SOUTH 00 ° 53'08" EAST, A DISTANCE OF 633.92 FEET TO A POINT ON THE NORTH LINE OF TRACT 32, SECTION 29, OF THE AFORMENTIONED PALM BEACH THENCE SOUTH 00 ° FARMS CO PLAT NO. 1; THENCE SOUTH 89 24'52" EAST, A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 00 POINT; THENCE NORTH 89 ° 24'52" WEST A DISTANCE OF 35.00 FEET TO A POINT; THENCE SOUTH 00 SOUTH 89 ° WEST , A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 00 DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 00 2,853.92 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE CONCAVE EASTERLY, HAVING A CHORD BEARING OF NORTH 06 NORTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 11,259.16 FEET, THROUGH A CENTRAL ANGLE OF 10 23'48" WEST, A DISTANCE OF 1,780.08 FEET TO A POINT; THENCE NORTH 89 THENCE NORTH 01 ° 49'50" EAST, A DISTANCE OF 1943.04 FEET, TO A POINT AT THE SOUTHEAST CORNER OF TRACT 98; THENCE RUNNING WITH THE NORTH LINE OF TRACT 128, OF 01 ° 23'58" EAST, A DISTANCE OF 331.56 FEET TO A POINT; THENCE SOUTH 01 SAID SECTION 20, NORTH 89 ° 53'08" EAST, A DISTANCE OF 40.71 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 00 ° SAID LANDS SITUATE, LYING, AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 2,796,415 SQUARE FEET (64.197 ACRES) MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on Nov 5, 2001.
DATED at West Palm Beach, FL on 12/31/01.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.